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Sixth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2103) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 30 January 2015 (S/2015/70).

2. During the reporting period, bilateral relations between Iraq and Kuwait continued to improve. On 16 March, Kuwait took possession of its former consulate premises in Basra, following the facilitation for the return of the property by the Government of Iraq, which brought Kuwait a step closer to reopening its consulate. On 29 March, the President of Iraq, Fuad Masum, met with the Emir of Kuwait, Sabah al-Ahmad al-Jaber al-Sabah, on the margins of the twenty-sixth summit of the League of Arab States, held in Sharm el-Sheikh, Egypt, to discuss issues of mutual concern and ways of promoting effective relations. On 30 March, the Ministries of Oil of Iraq and Kuwait signed two memorandums of understanding on the use of joint oilfields.

3. On 30 and 31 March, I visited Iraq and Kuwait. During my visits, I met with the President of Iraq, the Prime Minister of Iraq, Haider al-Abadi, the Minister for Foreign Affairs of Iraq, Ibrahim al-Jafaari, the Speaker of the Council of Representatives of Iraq, Salim al-Jabouri, and the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sabah Khaled al-Hamad al-Sabah. In those meetings, I commended the enhancement of relations between the two countries, while also reiterating the need for tangible results on the file of missing Kuwaiti persons and property and encouraging the parties to exert all efforts, as well as promising the assistance of the United Nations Assistance Mission for Iraq (UNAMI) on the file.

4. In his first trip outside Iraq, my Special Representative visited Kuwait on 27 April. He met the Prime Minister, Jaber al-Mubarak al-Hamad al-Sabah, the First Deputy Prime Minister and Minister for Foreign Affairs, the Director of the Follow-up and Coordination Department, Nasser Subeeh al-Subeeh, the Ambassador of Kuwait to Iraq, Ghassan al-Zawawi, the head of the regional delegation of the International Committee of the Red Cross (ICRC) to the Cooperation Council for the Arab States of the Gulf, Yahia Alibi and the Chairman of the National

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Committee for Missing Persons and Prisoners of War Affairs, Ibrahim al-Shaheen. The Prime Minister reiterated Kuwait's abiding commitment to support Iraq and its Government and its wish for Iraq's unity, stability and security. The Minister for Foreign Affairs reinforced these messages and pledged Kuwait's humanitarian support and its willingness to play a role in helping Iraq to improve its relations with countries in the Gulf and the rest of the region. All the interlocutors stressed that the issue of the missing persons was very emotional for Kuwaitis and that the lack of tangible results was disappointing. They expressed their strong commitment to the tripartite mechanism, while acknowledging the need to use it more effectively for the achievement of tangible results. My Special Representative reassured them that UNAMI, along with the other parties, would work with the tripartite mechanism and proactively seek ways to make all efforts more effective. The Minister for Foreign Affairs said that Kuwait looked forward to receiving Iraq's Minister for Human Rights and was open to any suggestion put forward by UNAMI to achieve progress on this file.

5. Despite the challenging security situation in the country throughout the reporting period, the Government of Iraq persisted in the search for missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, reasserting its commitment to achieving tangible results.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

6. During the reporting period, my Deputy Special Representative for Political Affairs met with the Adviser to the Minister for Foreign Affairs and to the Minister of Finance of Iraq to assess progress in the search for Kuwaiti and third-country nationals and explore new avenues to advance that search. My Deputy Special Representative also met with the International Commission on Missing Persons and academic institutions to discuss ways in which new technology could help to identify mass graves. From 16 to 18 March, UNAMI participated, in an observer capacity, in the meeting of the sub-advisory working group and the eighty-ninth session of the Technical Subcommittee of the tripartite mechanism, which took place in Kuwait.

7. On 3 March, the Iraqi interministerial committee on missing Kuwaiti nationals convened under the aegis of the Ministry of Human Rights of Iraq to assess progress in the search for information on burial sites, as well as witnesses and informants. It was agreed that the committee would adhere to its 2015 workplan to the best possible extent, given the current security situation in Iraq.

8. On 11 and 12 March, the Iraqi Ministry of Human Rights, in cooperation with the Ministry of Foreign Affairs, published an announcement in local daily newspapers in an attempt to identify witnesses with knowledge of missing Kuwaiti and third-country nationals and missing Kuwaiti property. In an effort to reach a wider audience, the announcement was also broadcast on local television channels. Future advertisements will include the telephone numbers of the International Committee of the Red Cross, as previously agreed.

9. On 18 March, during the meeting of the Technical Subcommittee of the tripartite mechanism, the parties agreed to take the framework on the protection of

witnesses as a non-binding set of guiding principles for their protection, provided that those guidelines are not in contradiction with national legislation.

10. From 24 to 29 January, the Ministry of Human Rights, in collaboration with a specialized team from Baghdad University, and with the participation of the Ministry of Health and the Medico-Legal Institute, carried out a ground-penetrating radar trial in the al-Khamisiya site of Thi-Qar governorate, in order to determine its applicability for the localization of potential burial sites. Acknowledging difficulties in detecting and determining radar marks for human remains buried for a long period of time, the Government of Iraq stated that it would proceed with further trials. The members have agreed to conduct forensic presentations on the use of technology and forensic operations in challenging contexts, drawing on the expertise of organizations with widespread experience in that field.

11. Following inconclusive mid-January operations on the border between Kuwait and Saudi Arabia, where witnesses could not pinpoint the location of the alleged burial sites of Kuwaiti missing persons, the Government of Iraq renewed contact with the witnesses, who were able to provide further details. Consequently, the Government of Iraq requested the assistance of Saudi Arabia in identifying the location, as it may have been close to a military base during the war and Saudi Arabia may have archived information on that base.

III. Recent activities with regard to the return of Kuwaiti property

12. On 5 March, my Deputy Special Representative was informed by the Adviser to the Iraqi Ministers for Foreign Affairs and Finance that the Government had collected a number of books belonging to Kuwait and that arrangements would be put in place to hand over the property. In the light of the continued failure to unearth the Kuwaiti national archives, my Deputy Special Representative has reiterated his proposal of searching the archives of the different ministries with the assistance of volunteers.

IV. Observations

13. I am encouraged by the enhanced ties and cooperation between Iraq and Kuwait. The goodwill between the two States is at its strongest since 1990, as demonstrated, in particular, by the agreement of the Government of Kuwait to a one-year deferral of the reparation payments by the Government of Iraq. Progress on the file of missing Kuwaiti persons and property is central to the full normalization of relations between the two countries and will have far-reaching implications on other aspects of mutual interest. I believe that this is a very opportune moment for Iraq and Kuwait to review efforts on this important humanitarian issue and decide on an enhanced course of action, notably within the tripartite mechanism.

14. I appreciate the efforts and commitment of the Government of Iraq, particularly in view of the difficult security and economic situation in the country. However, I remain concerned that no tangible results have been achieved in the search for missing Kuwaiti persons and property, including the national archives. I hope that the Government of Iraq will spare no effort to make progress on this issue

and bring solace to the grieving families of the missing persons, who have been waiting for news for almost 25 years.

15. In this regard, I reiterate my call on Iraq to take advantage of scientific advances and modern technology in the search for remains, including new forensic and geological exploration techniques and infrastructure, and to continue building the capacity of its institutions to improve the efficiency of the search. I welcome the decision of the members of the Technical Subcommittee of the tripartite mechanism to invite forensic experts to share their knowledge on available technologies and their applicability and relevance. This knowledge-sharing opportunity may allow Iraq to achieve progress on this important search.

16. I note with regret that no evidence or information has emerged with regard to the Kuwaiti national archives. I reiterate my previous call on the Government of Iraq to take into consideration the proposal by UNAMI of developing a targeted information campaign focusing on the national archives and of receiving assistance from volunteers to search the archives of different ministries. I strongly encourage the parties to continue convening the Joint Property Committee every six months in order to achieve progress on this issue.

17. I commend the longstanding dedication and work of ICRC in addressing the issue of the missing Kuwaiti and third-country nationals, particularly through its tireless efforts as the Chair of the Technical Subcommittee. This guidance and leadership is allowing the parties to come together and jointly explore the best possible avenues in the search for the missing persons.

18. I reiterate the unwavering commitment of UNAMI to moving forward the issue of missing Kuwaiti persons and property, as well as its preparedness to continue participating in the relevant Iraqi interministerial committees. Through my Special Representative and my Deputy Special Representative for Political Affairs, UNAMI will continue to provide its full assistance to promote, support and facilitate Iraqi efforts. I encourage Iraq to use this expertise.